

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re:

114 TENTH AVENUE ASSOC., INC.,

Chapter 11
Case No. 05-60099 (ALG)

Debtor.

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114 TENTH AVENUE ASSOC., INC.,

Adv. Pro. No. 08-01347 (ALG)

Plaintiff,

-against-

**KAREN NASON, individually and as Trustee
Of the KRSTC IRREVOCABLE TRUST, and
KENNETH N. MILLER,**

Defendants.

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ORDER DISMISSING ADVERSARY PROCEEDING

Upon the motion for summary judgment, filed by Gabriel Del Virginia, Esq. on behalf of Defendant Karen Nason seeking the a declaratory judgment in favor of Defendant Nason on the second cause of action of the complaint in the above-captioned adversary proceeding (the “Adversary Proceeding”), with prejudice (the “Motion”); and the Plaintiff-Debtor, 114 Tenth Avenue Assoc. Inc., having withdrawn the first and third causes of action in the Adversary Proceeding, with prejudice pursuant to a stipulation and order of this Court dated, September 25, 2008; and the Debtor having filed papers opposing the Motion; and a hearing having been before this Court and counsel for the parties on February 26, 2009 to consider the Motion (the “Hearing”); and after due deliberation and good and sufficient cause appearing therefore and for the reasons

stated on the record at the Hearing it is hereby

ORDERED, that second cause of action, which is the remaining claim in the Adversary Proceeding, be, and it hereby is, dismissed without prejudice; and it is

ORDERED, that the Adversary Proceeding be, and it hereby is, dismissed and closed.

Dated: New York, New York
March 24, 2009

/s/ Allan L. Gropper
HON. ALLAN L. GROPPER
UNITED STATES BANKRUPTCY JUDGE